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8 Attorneys for Plaintiff
9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,
13 Plaintiff,

14 v.

15 ROBERT RUNDO,
16 ROBERT BOMAN,
AARON EASON, and
17 TYLER LAUBE,

18 Defendants.

No. CR 18-759-CJC

STIPULATION FOR PROTECTIVE ORDER

19
20 Plaintiff, United States of America, by and through its counsel
21 of record, the United States Attorney for the Central District of
22 California and Assistant United States Attorney David T. Ryan,
23 defendant Robert Rundo ("RUNDO"), by and through his counsel of
24 record, Julia Deixler, defendant Robert Boman ("BOMAN"), by and
25 through his counsel of record, Peter Swarth, defendant Aaron Eason
26 ("EASON"), by and through his counsel of record, John McNicholas,
27 and defendant Tyler Laube ("LAUBE"), by and through his counsel of
28 record, Jerome Haig, hereby stipulate and apply to the Court for

1 entry of a protective order pursuant to Rule 16(d)(1), Federal Rules
2 of Criminal Procedure.

3 The bases for this stipulation and request are the following:

4 Stipulated Facts

5 1. On November 1, 2018, a grand jury in the Central District
6 of California returned an Indictment against defendants in United
7 States v. Rundo et al., CR No. 18-759-CJC. Defendants RUNDO, BOMAN,
8 EASON, and LAUBE are charged with a violation of 18 U.S.C. § 371
9 (Conspiracy), and defendants RUNDO, BOMAN, and EASON are charged
10 with a violation of 18 U.S.C. § 2101 (Rioting).

11 2. Pursuant to its discovery obligations in this case, the
12 government seeks to disclose to defendants' counsel in discovery
13 certain materials that the government represents contain sensitive
14 information, including the identity of and other identifying
15 information for alleged victims, third party witnesses, uncharged
16 parties, and a confidential source of information that assisted
17 during the investigation; information regarding operationally
18 sensitive law enforcement sources, methods, and techniques used in
19 this investigation and in ongoing investigations of other potential
20 targets; and other information that implicates national security and
21 law enforcement sensitive concerns. These materials are
22 collectively referenced below as "Protective Order Material(s)."

23 3. To serve and protect defendant's rights to prepare an
24 effective defense in this case, and also to serve the government's
25 interest in protecting sensitive law enforcement information, the
26 parties have stipulated to the entry of a protective order for
27 discovery in this case.

1 Stipulated Conclusions of Law

2 4. Rule 16(d)(1), Federal Rules of Criminal Procedure,
3 provides that "[a]t any time the court may, for good cause, deny,
4 restrict, or defer discovery or inspection, or grant other
5 appropriate relief."

6 5. The record demonstrates good cause to permit the Court to
7 exercise its discretion to restrict discovery and inspection of
8 sensitive law enforcement sources, methods, and techniques, as
9 further described below, and to grant such relief as is necessary to
10 ensure the confidentiality of the foregoing information.

11 Requested Protective Order

12 Accordingly, the parties hereby stipulate to this request for
13 the Court to issue a protective order according to the following
14 terms:

15 6. The government may provide to defendants' counsel a copy
16 of any Protective Order Material under the following terms and
17 conditions:

18 a. The government will provide to the Defense Team, as
19 defined below in paragraph 6(f), a single copy of any Protective
20 Order Material(s), redacted if and as appropriate. In the case of
21 electronic material, e.g., an image of a digital device, there will
22 be no redaction of protected materials. The government will label
23 the Protective Order Material(s) as being subject to a protective
24 order.

25 b. The Defense Team is permitted to make copies of the
26 Protective Order Material(s) as necessary for the preparation of the
27 defense and for litigation of matters that arise therefrom. The
28

1 Defense Team shall maintain a record of all copies of the Protective
2 Order Material(s) that are made, and shall return all copies of the
3 Protective Order Material(s) to the government, certify that such
4 materials have been destroyed, or certify that such materials are
5 being kept pursuant to the Business and Professions Code and the
6 Rules of Professional Conduct, at the conclusion of this case and
7 any appeal or post-conviction collateral attack on any conviction or
8 sentence arising therefrom. The Defense Team shall ensure that
9 defendant does not retain any Protective Order Material(s) or copies
10 thereof after the conclusion of this case and any appeal or post-
11 conviction collateral attack on any conviction or sentence arising
12 therefrom. the conclusion of the litigation.

13 c. The Defense Team shall maintain all Protective Order
14 Material(s), including any copies, in accordance with this Order.

15 d. The Protective Order Material(s) (whether in physical
16 or electronic form) shall be securely stored at all times by the
17 Defense Team, except while being actively utilized as provided for
18 in this Order.

19 e. A copy of this Order shall be kept with the
20 Protective Order Material(s) at all times.

21 f. The Protective Order Material(s) and its contents
22 shall not be disseminated¹ to the media or posted to the Internet,
23 nor shall the information within Protective Order Material(s) be
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25 ¹ "Disseminated" means to directly or indirectly provide, show,
26 or describe to another (or others) either a particular piece of
27 discovery or quotations, excerpts, or summaries derived therefrom.
28 It includes both physical and virtual sharing of the documents.

disclosed in any way to any media source or Internet forum, nor shall the Protective Order Material(s) and its contents be disseminated to any persons, organizations, or other entities, other than the following who must be assisting in the preparation of the defense in this case in order to gain access to any Protective Order Material(s): (i) defendants (under the conditions set forth below); (ii) members of the respective defendants' defense legal teams (attorneys, paralegals, investigators, translators, litigation support personnel, and secretarial staff); and (iii) experts and consultants retained to assist in the preparation of the defense (collectively, the "Defense Team").

g. Counsel for defendant shall ensure that any person to whom Protective Order Material(s) have been made available has read the terms of the requested order and agreed to act in accordance with the requested order.

h. The Defense Team may show Protective Order Material(s) to third-party witnesses for the sole purpose of preparation of the defense, but may not provide or otherwise disseminate to third-party witnesses copies of Protective Order Material(s).

i. Defendants may review Protective Order Material(s) in this case only in the presence of a member of their respective Defense Teams, and defendants' counsel of record shall ensure that defendants are never left alone with any Protective Order Material(s). Defendants may see and review Protective Order Material(s) in the presence of a member of their respective Defense Teams, but defendants may not copy, keep, maintain, or otherwise

1 possess any Protective Order Material(s) in this case at any time.
2 Defendants must return any Protective Order Material(s) to their
3 respective Defense Teams at the conclusion of any meeting at which
4 defendants are permitted to view the Protective Order Material(s).
5 Defendants may not take any Protective Order Material(s) out of the
6 room in which defendants are meeting with their respective Defense
7 Teams. Defendants may not write down or memorialize any Protective
8 Order Material(s). At the conclusion of any meeting with a
9 defendant, the member of the Defense Team present shall take with
10 him or her the Protective Order Material(s). At no time, under no
11 circumstance, will any Protective Order Material(s) be left in the
12 possession, custody, or control of any defendant, whether the
13 defendant is incarcerated or not.

14 7. The Protective Order Material(s), including any copies,
15 may not be used, introduced, or otherwise relied upon, in any
16 proceeding by any person, except by the prosecution team at its
17 discretion or by defendants' counsel of record in this case in
18 hearings and proceedings in United States v. Robert Rundo et al., CR
19 18-759 (Central District of California) and any appeal or any post-
20 conviction collateral attack on any conviction or sentence arising
21 therefrom.

22 8. The Defense Team shall return all Protective Order
23 Material(s) to the United States Attorney's Office ("USAO") for the
24 Central District of California, certify that such materials have
25 been destroyed, or certify that such materials are being kept
26 pursuant to the Business and Professions Code and the Rules of
27 Professional Conduct, at the conclusion of this case and any appeal
28

1 or post-conviction collateral attack on any conviction or sentence
2 arising therefrom. If defense counsel work product-protected
3 material is present on the Protective Order Material(s), then when
4 those materials are returned, defense counsel and/or staff may elect
5 to observe USAO staff shred those materials at the USAO.

6 9. Should any defendant change attorneys at any time before
7 the Protective Order Material(s) and all copies are returned to the
8 USAO, his former counsel will not provide the Protective Order
9 Material(s), including any copies, or disclose the contents of any
10 Protective Order Material(s) to any subsequent counsel unless
11 subsequent counsel for that defendant in this matter has agreed to
12 in writing, or has been ordered by the Court to, be bound by this
13 protective order. If subsequent counsel's consent to this Order
14 cannot be obtained, defendant's former counsel will return the
15 Protective Order Material(s) and all copies to the USAO immediately.

16 10. Any papers to be filed with the Court on behalf of any
17 defendant that include Protective Order Material(s) or refer to the
18 contents of Protective Order Material(s) shall be filed under seal
19 unless the defendant obtains a) written agreement from the
20 government assenting to public filing, or b) an order of the Court.
21 Any papers to be filed with the Court by the government that include
22 Protective Order Material(s) or refer to the contents of Protective
23 Order Material(s) may be filed under seal in the government's
24 discretion.

25 11. Any papers to be filed with the Court in response to
26 papers filed in conformity with the preceding paragraph shall also
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1 be filed under seal absent the written agreement of the opposing
2 party or an order of the Court.

3 12. Nothing in this Order will be construed so as to limit or
4 restrict the government's discovery obligations pursuant to Rule 16
5 of the Federal Rules of Criminal Procedure and Brady v. Maryland,
6 373 U.S. 83 (1963), or any other provision of law.

7 13. Nothing in this order shall be construed: (1) as a waiver
8 by any defendant to seek additional discovery beyond that provided
9 by the government; or (2) as a waiver of any defendant's right to
10 seek an unredacted version of any Protective Order Material(s); or
11 (3) as a waiver of any defendant's right to challenge whether a
12 specific document should be subject to this protective order.

13 Nothing in this order shall be construed as limiting the

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1 government's ability to object to those requests. In addition, the
2 parties reserve the right to seek future modifications of this
3 protective order.

4 IT IS SO STIPULATED.

5 DATED: November 16, 2018

NICOLA T. HANNA
United States Attorney

PATRICK R. FITZGERALD
Assistant United States Attorney
Chief, National Security Division

9 /s/

10 DAVID T. RYAN
Assistant United States Attorney

11 Attorneys for Plaintiff
12 UNITED STATES OF AMERICA

13
14 DATED:

JULIA DEIXLER
Attorney for Defendant
ROBERT RUNDO

15
16
17 DATED: November 19, 2018

/s/ by email authorization
PETER SWARTH
Attorney for Defendant
ROBERT BOMAN

18
19
20 DATED: November 20, 2018

/s/ by email authorization
JOHN MCNICHOLAS
Attorney for Defendant
AARON EASON

21
22
23
24 DATED:

JEROME HAIG
Attorney for Defendant
TYLER LAUBE

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5 DATED: November 16, 2018

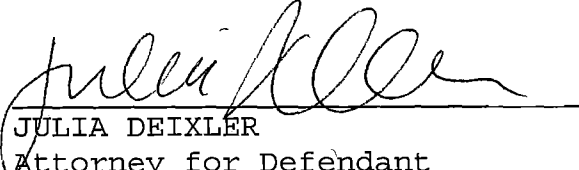
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12 UNITED STATES OF AMERICA

13 DATED: 11/19/2018


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15 Attorney for Defendant
16 ROBERT RUNDO

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19 ROBERT BOMAN

20 DATED:

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Attorney for Defendant
22 AARON EASON

23 DATED:

JEROME HAIG
Attorney for Defendant
26 TYLER LAUBE

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IT IS SO STIPULATED.

DATED: November 8, 2018

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PATRICK R. FITZGERALD
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DAVID T. RYAN
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Attorneys for Plaintiff
UNITED STATES OF AMERICA

DATED:

JULIA DEIXLER
Attorney for Defendant
ROBERT RUNDO

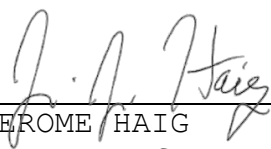
DATED:

PETER SWARTH
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ROBERT BOMAN

DATED:

JOHN MCNICHOLAS
Attorney for Defendant
AARON EASON

DATED: 11/12/2018


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